IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2209 OF 1987

Tata Engineering & Locomotive
Company Ltd. & Anr. .. Petitioners
V/s.
State of Maharashtra & Anr. .. Respondents

Mr. S.A. Diwan with Mr. H.N. Vakil i/b. M/s. Mulla & Mulla & Craigie Blunt & Caroe for the Petitioners
Mr. N.P. Deshpande, AGP. for the Respondent No. 1.
Mr. Y.R. Mishra for the Union of India.

CORAM : S. RADHAKRISHNAN &
J.P. DEVADHAR, JJ.
DATED : 11.02.2005

P.C.:-

1. Heard the learned counsel for the Petitioner and the learned counsel for the Respondents. The learned counsel for the Petitioner states that as far as the claim under the Bombay Sales Tax Act is concerned, the Petitioner has already preferred an Appeal before the Appellate Authority and the Appeal is pending and with regard to the issue of penalty, the Petitioner will pursue it's remedy before the Appellate Authority.

2. Under these circumstances, the learned counsel for the Petitioner is not pressing this Petition, hence Rule stands discharged. The Petitioner is at liberty to approach the concerned Appellate Authority with regard to the penalty including the interim relief. It is made clear that all the rights and contentions of the Petitioner and the Respondents are kept expressly open.

(S. RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)